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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,864	12/21/2001	Sridhar Ranganathan	KCC-16,282	4026

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EXAMINER

COLE, ELIZABETH M

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

22

Office Action Summary

Application N .

10/036,864

Applicant(s)

RANGANATHAN ET AL.

Examiner

Elizabeth M. Cole

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-30, 32-34, 52, 56, 58-64, 66-68, 71, 75, 76, 80-82 and 86-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 and 64 is/are allowed.
- 6) ☒ Claim(s) 2-29, 32-34, 52, 56, 58-63, 66-68, 71, 75, 76, 80-82 and 86-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 18, 22-25, 29, 32-34, 52, 56-59, 63, 66-68, 80-82, 86-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assarsson et al, U.S. Patent No. 3,901,236 in view of Dodge, II et al, U.S. Patent No. 5,994,615 and Veith et al, U.S. Patent No. 5,516,569 for the reasons set forth in paragraph 6 of the previous office action.
3. Claims 26-28, 60-62, 71-72, 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assarsson et al in view of Dodge and Veith as applied to as applied to claims above, and further in view of Radwanski et al, U.S. Patent No. 4,939,016 as set forth in paragraph 7 of the previous office action.
4. Applicant's arguments filed 11/8/04 have been fully considered but they are not persuasive. Applicant argues that none of the references teach a highly loaded ratio of above about 85 percent to about 98 percent. However, Veith teaches about 85 percent superabsorbent. The claims recite "above about 85 to about 98 weigh percent". Since, both the claims and the reference teach about 85 percent, the rejection is maintained.
5. Applicant argues that Dodge is related to surge materials, not to an absorbent material. However, surge materials are employed in absorbent articles. Dodge teaches the use of the particular bicomponent fibers in absorbent materials such as airlaid pads. Therefore, Dodge is from the same field of endeavor as Assarsson and the instant invention.

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6. Applicant argues that the examiner has treated coated and uncoated superabsorbent particles as interchangeable. However, while the rejection does not treat the particles as the same, the rejection sets forth that at the time the invention was made it would have been obvious to have increased the amount of superabsorbent used in Assarsson as taught by Veith, in order to form a thinner material.

7. With regard to the absorbency capacity, since the references teach the claimed components and provide the motivation to combine the components to form an absorbent material, it is the examiner's position that one of ordinary skill in this art would have been able to control the properties of the material through the choice of the particular amounts, placement and materials employed.

8. With regard to the combination of references including Radwanski, Applicant argues that Radwanski appears to offer no suggestion of commonality with the present invention. However, Radwanski clearly teaches that the presence of the meltblown fibers due to their long length. Radwanski clearly teaches incorporating the meltblown fibers into airlaid. Therefore, all of the references employed relate to airlaid webs, and thus are from the same field of endeavor. Radwanski teaches that the presence of the meltblown fibers enhances the aesthetics of the overall product. With regard to the presence of support layers, since Radwanski teaches incorporating additional layers, Radwanski teaches this embodiment. Applicant seems to argue that since the layers of Radwanski are ultimately hydroentangled that the reference is not pertinent to the instant claims. However, the instant claims do not preclude hydroentangling.

9. Claims 30 and 64 are allowed.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (703) 872-9306.


Elizabeth M. Cole

ELIZABETH M. COLE
PRIMARY EXAMINER